

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

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| STATE OF MISSOURI, |) | No. ED104429 |
| |) | |
| Respondent, |) | |
| |) | Appeal from the Circuit Court |
| |) | of St. Francois County |
| vs. |) | Cause No. 14SF-CR00079-01 |
| |) | |
| RANDY S. HARTRUP, |) | Honorable Wendy W. Horn |
| |) | |
| Appellant. |) | Filed: February 28, 2017 |

Randy Hartrup (“Defendant”) appeals his conviction of one count of manufacturing marijuana, a controlled substance, claiming the trial court’s denial of his motion to suppress evidence violated his constitutional rights pursuant to the Fourth Amendment of the United States Constitution and article I, section 15 of the Missouri Constitution.

AFFIRMED.

Division Two holds: The trial court did not plainly err in denying Defendant’s motion to suppress evidence because it was constitutionally seized under the plain view exception.

Opinion by: Colleen Dolan, J.

Sherri B. Sullivan, P.J., and Roy Richter, J., concur.

Attorney for Appellants: Theodore Guberman

Attorney for Respondents: Shaun J. Mackelprang

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| <p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p> |
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